

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JANINE WOOD,)
Individually and as parent and natural)
guardian of her minor child, H.W., **JACKIE**)
WEBBER, Parent and natural guardian of)
her minor child, J.M., **RYAN WALSH** and)
LISA MAZZONI, Individually and as)
parent and natural guardian of her)
minor son, J.C.,)
)
Plaintiffs,)

v.)

2:20cv1029

Electronic Filing

PALACE ENTERTAINMENT)
d/b/a **KENNYWOOD PARK,**)
SANDCASTLE WATERPARK)
and **IDLEWILD AND SOAKZONE**)
)
Defendant.)

ORDER OF COURT

AND NOW, this 29th day of March, 2023, for the reasons set forth in the opinion filed on this date, IT IS ORDERED that [33] defendant's motion for summary judgment be, and the same hereby is, granted as follows: plaintiffs' Title III ADA discrimination and retaliation/coercion claims at Counts I and II are dismissed as moot; and

IT IS FURTHER ORDERED that pursuant to 28 U.S.C. § 1367(c), plaintiff H.W.'s remaining state law claim for negligence/reckless conduct at Count III is dismissed without prejudice to (1) plaintiff H.W. refiling that claim in a state court as authorized by 42 Pa. C. S. §

5103(b) and (2) defendant raising any defenses it may have to that claim(s).

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: Thomas B. Anderson, Esquire
Paul M. Thompson, Esquire
Kerry Alan Scanlon, Esquire
Jeremy M. White, Esquire

(Via CM/ECF Electronic Mail)